

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8429 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MOTIAM NARAYAN PATIL

Versus

COMMISSIONER OF POLICE

Appearance:

MR ANIL S DAVE for Petitioner

GOVERNMENT PLEADER for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 18/02/99

ORAL JUDGEMENT

#. In this petition under Article 226 of the Constitution of India, the petitioner has challenged the detention order dated 24th July, 1998 passed by the Commissioner of Police, Ahmedabad City under Section 3(2) of the Prevention of Anti Social Activities Act (for short `PASA').

#. The petitioner was adjudged as a dangerous person on

the basis of four registered offences of theft etc. against him and also on the statements of three confidential witnesses. The four cases registered against him and also the statements of three confidential witnesses against the petitioner in respect of his activities are the same as dealt with in Special Civil Application No : 6356 of 1998 decided by me today. The said Special Civil Application No : 6356 /98 has been allowed and the detention order passed by the detaining authority has been quashed and set aside. Therefore, on the ground of parity, this petition is bound to succeed. It is hereby allowed. The detention order dated 24th July, 1998 is hereby quashed. The petitioner shall be released forthwith unless required in some other case.

Date : 18-2-1999 (D.C.Srivastava, J.)

*kailash